

In the Senate of the United States,

April 7, 2006.

Resolved, That the bill from the House of Representatives (H.R. 3351) entitled “An Act to make technical corrections to laws relating to Native Americans, and for other purposes.”, do pass with the following

AMENDMENT:

Strike out all after the enacting clause and insert:

1 ***SECTION 1. SHORT TITLE; TABLE OF CONTENTS.***

2 (a) *SHORT TITLE*.—*This Act may be cited as the “Na-*
3 *tive American Technical Corrections Act of 2006”.*

1 (b) *TABLE OF CONTENTS.—The table of contents of this*
 2 *Act is as follows:*

Sec. 1. Short title; table of contents.

*TITLE I—TECHNICAL AMENDMENTS AND OTHER PROVISIONS
RELATING TO NATIVE AMERICANS*

Sec. 101. Alaska Native Claims Settlement Act technical amendment.
Sec. 102. ANCSA amendment.
Sec. 103. Mississippi Band of Choctaw transportation reimbursement.
Sec. 104. Fallon Paiute Shoshone tribes settlement.

TITLE II—INDIAN LAND LEASING

Sec. 201. Prairie Island land conveyance.
Sec. 202. Authorization of 99-year leases.
Sec. 203. Certification of rental proceeds.

*TITLE III—NATIONAL INDIAN GAMING COMMISSION FUNDING
AMENDMENT*

Sec. 301. National Indian Gaming Commission funding amendment.

TITLE IV—INDIAN FINANCING

Sec. 401. Indian Financing Act Amendments.

*TITLE V—NATIVE AMERICAN PROBATE REFORM TECHNICAL
AMENDMENT*

*Sec. 501. Clarification of provisions and amendments relating to inheritance of
Indian lands.*

3 ***TITLE I—TECHNICAL AMEND-***
 4 ***MENTS AND OTHER PROVI-***
 5 ***SIONS RELATING TO NATIVE***
 6 ***AMERICANS***

7 ***SEC. 101. ALASKA NATIVE CLAIMS SETTLEMENT ACT TECH-***
 8 ***NICAL AMENDMENT.***

9 (a)(1) *Section 337(a) of the Department of the Interior*
 10 *and Related Agencies Appropriations Act, 2003 (Division*
 11 *F of Public Law 108–7; 117 Stat. 278; February 20, 2003)*
 12 *is amended—*

1 (A) in the matter preceding paragraph (1), by
 2 striking “Section 1629b of title 43, United States
 3 Code,” and inserting “Section 36 of the Alaska Native
 4 Claims Settlement Act (43 U.S.C. 1629b)”;

5 (B) in paragraph (2), by striking “by creating
 6 the following new subsection:” and inserting “in sub-
 7 section (d), by adding at the end the following:”; and

8 (C) in paragraph (3), by striking “by creating
 9 the following new subsection:” and inserting “by add-
 10 ing at the end the following:”.

11 (2) Section 36 of the Alaska Native Claims Settlement
 12 Act (43 U.S.C. 1629b) is amended in subsection (f), by
 13 striking “section 1629e of this title” and inserting “section
 14 39”.

15 (b)(1) Section 337(b) of the Department of the Interior
 16 and Related Agencies Appropriations Act, 2003 (Division
 17 F of Public Law 108–7; 117 Stat. 278; February 20, 2003)
 18 is amended by striking “Section 1629e(a)(3) of title 43,
 19 United States Code,” and inserting “Section 39(a)(3) of the
 20 Alaska Native Claims Settlement Act (43 U.S.C.
 21 1629e(a)(3))”.

22 (2) Section 39(a)(3)(B)(ii) of the Alaska Native
 23 Claims Settlement Act (43 U.S.C. 1629e(a)(3)(B)(ii)) is
 24 amended by striking “(a)(4) of section 1629b of this title”
 25 and inserting “section 36(a)(4)”.

1 (c) *The amendments made by this section take effect*
 2 *on February 20, 2003.*

3 **SEC. 102. ANCSA AMENDMENT.**

4 *All land and interests in land in the State of Alaska*
 5 *conveyed by the Federal Government under the Alaska Na-*
 6 *tive Claims Settlement Act (43 U.S.C. 1601 et seq.) to a*
 7 *Native Corporation and reconveyed by that Native Corpora-*
 8 *tion, or a successor in interest, in exchange for any other*
 9 *land or interest in land in the State of Alaska and located*
 10 *within the same region (as defined in section 9(a) of the*
 11 *Alaska Native Claims Settlement Act (43 U.S.C. 1608(a)),*
 12 *to a Native Corporation under an exchange or other convey-*
 13 *ance, shall be deemed, notwithstanding the conveyance or*
 14 *exchange, to have been conveyed pursuant to that Act.*

15 **SEC. 103. MISSISSIPPI BAND OF CHOCTAW TRANSPOR-**
 16 **TATION REIMBURSEMENT.**

17 *The Secretary of the Interior is authorized and di-*
 18 *rected, within the 3-year period beginning on the date of*
 19 *enactment of this Act, to accept funds from the State of Mis-*
 20 *issippi pursuant to the contract signed by the Mississippi*
 21 *Department of Transportation on June 7, 2005, and by the*
 22 *Mississippi Band of Choctaw Indians on June 2, 2005. The*
 23 *amount shall not exceed \$776,965.30 and such funds shall*
 24 *be deposited in the trust account numbered PL7489708 at*
 25 *the Office of Trust Funds Management for the benefit of*

1 *the Mississippi Band of Choctaw Indians. Thereafter, the*
 2 *tribe may draw down these moneys from this trust account*
 3 *by resolution of the Tribal Council, pursuant to Federal law*
 4 *and regulations applicable to such accounts.*

5 **SEC. 104. FALLON PAIUTE SHOSHONE TRIBES SETTLEMENT.**

6 (a) *SETTLEMENT FUND.*—Section 102 of the Fallon
 7 *Paiute Shoshone Indian Tribes Water Rights Settlement*
 8 *Act of 1990 (Public Law 101–618; 104 Stat. 3289) is*
 9 *amended—*

10 (1) *in subsection (C)—*

11 (A) *in paragraph (1)—*

12 (i) *by striking the matter preceding*
 13 *subparagraph (a) and inserting the fol-*
 14 *lowing: “Notwithstanding any conflicting*
 15 *provision in the original Fund plan during*
 16 *Fund fiscal year 2006 or any subsequent*
 17 *Fund fiscal year, 6 percent of the average*
 18 *quarterly market value of the Fund during*
 19 *the immediately preceding 3 Fund fiscal*
 20 *years (referred to in this title as the ‘An-*
 21 *nual 6 percent Amount’), plus any unex-*
 22 *pended and unobligated portion of the An-*
 23 *nual 6 percent Amount from any of the 3*
 24 *immediately preceding Fund fiscal years*
 25 *that are subsequent to Fund fiscal year*

1 2005, less any negative income that may
 2 accrue on that portion, may be expended or
 3 obligated only for the following purposes.”;
 4 and

5 (ii) by adding at the end the following:

6 “(g) Fees and expenses incurred in connection
 7 with the investment of the Fund, for investment man-
 8 agement, investment consulting, custodianship, and
 9 other transactional services or matters.”; and

10 (B) by striking paragraph (4) and inserting
 11 the following:

12 “(4) No monies from the Fund other than the amounts
 13 authorized under paragraphs (1) and (3) may be expended
 14 or obligated for any purpose.

15 “(5) Notwithstanding any conflicting provision in the
 16 original Fund plan, during Fund fiscal year 2006 and dur-
 17 ing each subsequent Fund fiscal year, not more than 20
 18 percent of the Annual 6 percent Amount for the Fund fiscal
 19 year (referred to in this title as the ‘Annual 1.2 percent
 20 Amount’) may be expended or obligated under paragraph
 21 (1)(c) for per capita distributions to tribal members, except
 22 that during each Fund fiscal year subsequent to Fund fiscal
 23 year 2006, any unexpended and unobligated portion of the
 24 Annual 1.2 percent Amount from any of the 3 immediately
 25 preceding Fund fiscal years that are subsequent to Fund

1 *fiscal year 2005, less any negative income that may accrue*
 2 *on that portion, may also be expended or obligated for such*
 3 *per capita payments.”; and*

4 *(2) in subsection (D), by adding at the end the*
 5 *following: “Notwithstanding any conflicting provision*
 6 *in the original Fund plan, the Fallon Business Coun-*
 7 *cil, in consultation with the Secretary, shall promptly*
 8 *amend the original Fund plan for purposes of con-*
 9 *forming the Fund plan to this title and making non-*
 10 *substantive updates, improvements, or corrections to*
 11 *the original Fund plan.”.*

12 *(b) DEFINITIONS.—Section 107 of the Fallon Paiute*
 13 *Shoshone Indian Tribes Water Rights Settlement Act of*
 14 *1990 (Public Law 101–618; 104 Stat. 3293) is amended—*

15 *(1) by redesignating subsections (D), (E), (F),*
 16 *and (G) as subsections (F), (G), (H), and (I), respec-*
 17 *tively; and*

18 *(2) by striking subsections (B) and (C) and in-*
 19 *serting the following:*

20 *“(B) the term ‘Fund fiscal year’ means a fiscal*
 21 *year of the Fund (as defined in the Fund plan);*

22 *“(C) the term ‘Fund plan’ means the plan estab-*
 23 *lished under section 102(F), including the original*
 24 *Fund plan (the ‘Plan for Investment, Management,*
 25 *Administration and Expenditure dated December 20,*

1 1991’) and all amendments of the Fund plan under
 2 subsection (D) or (F)(1) of section 102;

3 “(D) the term ‘income’ means the total net re-
 4 turn from the investment of the Fund, consisting of
 5 all interest, dividends, realized and unrealized gains
 6 and losses, and other earnings, less all related fees
 7 and expenses incurred for investment management,
 8 investment consulting, custodianship and trans-
 9 actional services or matters;

10 “(E) the term ‘principal’ means the total
 11 amount appropriated to the Fallon Paiute Shoshone
 12 Tribal Settlement Fund under section 102(B);”.

13 ***TITLE II—INDIAN LAND LEASING***

14 ***SEC. 201. PRAIRIE ISLAND LAND CONVEYANCE.***

15 (a) *IN GENERAL.*—The Secretary of the Army shall
 16 convey all right, title, and interest of the United States in
 17 and to the land described in subsection (b), including all
 18 improvements, cultural resources, and sites on the land,
 19 subject to the flowage and sloughing easement described in
 20 subsection (d) and to the conditions stated in subsection (f),
 21 to the Secretary of the Interior, to be—

22 (1) *held in trust by the United States for the*
 23 *benefit of the Prairie Island Indian Community in*
 24 *Minnesota; and*

1 (2) *included in the Prairie Island Indian Com-*
 2 *munity Reservation in Goodhue County, Minnesota.*

3 (b) *LAND DESCRIPTION.*—*The land to be conveyed*
 4 *under subsection (a) is the approximately 1290 acres of*
 5 *land associated with the Lock and Dam #3 on the Mis-*
 6 *issippi River in Goodhue County, Minnesota, located in*
 7 *tracts identified as GO-251, GO-252, GO-271, GO-277,*
 8 *GO-278, GO-284, GO-301 through GO-313, GO-314A,*
 9 *GO-314B, GO-329, GO-330A, GO-330B, GO-331A, GO-*
 10 *331B, GO-331C, GO-332, GO-333, GO-334, GO-335A,*
 11 *GO-335B, GO-336 through GO-338, GO-339A, GO-339B,*
 12 *GO-339C, GO-339D, GO-339E, GO-340A, GO-340B,*
 13 *GO-358, GO-359A, GO-359B, GO-359C, GO-359D, and*
 14 *GO-360, as depicted on the map entitled “United States*
 15 *Army Corps of Engineers survey map of the Upper Mis-*
 16 *issippi River 9-Foot Project, Lock & Dam No. 3 (Red*
 17 *Wing), Land & Flowage Rights” and dated December 1936.*

18 (c) *BOUNDARY SURVEY.*—*Not later than 5 years after*
 19 *the date of conveyance under subsection (a), the boundaries*
 20 *of the land conveyed shall be surveyed as provided in section*
 21 *2115 of the Revised Statutes (25 U.S.C. 176).*

22 (d) *EASEMENT.*—

23 (1) *IN GENERAL.*—*The Corps of Engineers shall*
 24 *retain a flowage and sloughing easement for the pur-*
 25 *pose of navigation and purposes relating to the Lock*

1 *and Dam No. 3 project over the portion of the land*
2 *described in subsection (b) that lies below the ele-*
3 *vation of 676.0.*

4 (2) *INCLUSIONS.—The easement retained under*
5 *paragraph (1) includes—*

6 (A) *the perpetual right to overflow, flood,*
7 *and submerge property as the District Engineer*
8 *determines to be necessary in connection with the*
9 *operation and maintenance of the Mississippi*
10 *River Navigation Project; and*

11 (B) *the continuing right to clear and re-*
12 *move any brush, debris, or natural obstructions*
13 *that, in the opinion of the District Engineer,*
14 *may be detrimental to the project.*

15 (e) *OWNERSHIP OF STURGEON LAKE BED UNAF-*
16 *FECTED.—Nothing in this section diminishes or otherwise*
17 *affects the title of the State of Minnesota to the bed of Stur-*
18 *geon Lake located within the tracts of land described in sub-*
19 *section (b).*

20 (f) *CONDITIONS.—The conveyance under subsection (a)*
21 *is subject to the conditions that the Prairie Island Indian*
22 *Community shall not—*

23 (1) *use the conveyed land for human habitation;*

24 (2) *construct any structure on the land without*
25 *the written approval of the District Engineer; or*

1 (3) *conduct gaming (within the meaning of sec-*
 2 *tion 4 of the Indian Gaming Regulatory Act (25*
 3 *U.S.C. 2703)) on the land.*

4 (g) *NO EFFECT ON ELIGIBILITY FOR CERTAIN*
 5 *PROJECTS.—Notwithstanding the conveyance under sub-*
 6 *section (a), the land shall continue to be eligible for environ-*
 7 *mental management planning and other recreational or*
 8 *natural resource development projects on the same basis as*
 9 *before the conveyance.*

10 (h) *EFFECT OF SECTION.—Nothing in this section di-*
 11 *minishes or otherwise affects the rights granted to the*
 12 *United States pursuant to letters of July 23, 1937, and No-*
 13 *vember 20, 1937, from the Secretary of the Interior to the*
 14 *Secretary of War and the letters of the Secretary of War*
 15 *in response to the Secretary of the Interior dated August*
 16 *18, 1937, and November 27, 1937, under which the Sec-*
 17 *retary of the Interior granted certain rights to the Corps*
 18 *of Engineers to overflow the portions of Tracts A, B, and*
 19 *C that lie within the Mississippi River 9-Foot Channel*
 20 *Project boundary and as more particularly shown and de-*
 21 *picted on the map entitled “United States Army Corps of*
 22 *Engineers survey map of the Upper Mississippi River 9-*
 23 *Foot Project, Lock & Dam No. 3 (Red Wing), Land & Flow-*
 24 *age Rights” and dated December 1936.*

1 **SEC. 202. AUTHORIZATION OF 99-YEAR LEASES.**

2 (a) *IN GENERAL.*—Subsection (a) of the first section
3 of the Act of August 9, 1955 (25 U.S.C. 415(a)), is amended
4 in the second sentence—

5 (1) by striking “Moapa Indian reservation” and
6 inserting “Moapa Indian Reservation”;

7 (2) by inserting “the Confederated Tribes of the
8 Umatilla Indian Reservation,” before “the Burns
9 Paiute Reservation”;

10 (3) by inserting “the” before “Yavapai-Prescott”;

11 (4) by inserting “the Muckleshoot Indian Res-
12 ervation and land held in trust for the Muckleshoot
13 Indian Tribe,” after “the Cabazon Indian Reserva-
14 tion,”;

15 (5) by striking “lands comprising the Moses Al-
16 lotment Numbered 10, Chelan County, Washington,”
17 and inserting “the lands comprising the Moses Allot-
18 ment Numbered 8 and the Moses Allotment Numbered
19 10, Chelan County, Washington,”;

20 (6) by inserting “land held in trust for the Prai-
21 rie Band Potawatomi Nation,” before “lands held in
22 trust for the Cherokee Nation of Oklahoma”;

23 (7) by inserting “land held in trust for the
24 Fallon Paiute Shoshone Tribes,” before “lands held in
25 trust for the Pueblo of Santa Clara”; and

1 (8) by inserting “land held in trust for the Yurok
 2 Tribe, land held in trust for the Hopland Band of
 3 Pomo Indians of the Hopland Rancheria,” after
 4 “Pueblo of Santa Clara,”.

5 (b) *EFFECTIVE DATE.*—The amendments made by sub-
 6 section (a) shall apply to any lease entered into or renewed
 7 after the date of enactment of this Act.

8 **SEC. 203. CERTIFICATION OF RENTAL PROCEEDS.**

9 Notwithstanding any other provision of law, any ac-
 10 tual rental proceeds from the lease of land acquired under
 11 the first section of the Act entitled “An Act to provide for
 12 loans to Indian tribes and tribal corporations, and for other
 13 purposes” (25 U.S.C. 488) certified by the Secretary of the
 14 Interior shall be deemed—

15 (1) to constitute the rental value of that land;

16 and

17 (2) to satisfy the requirement for appraisal of
 18 that land.

1 **TITLE III—NATIONAL INDIAN**
 2 **GAMING COMMISSION FUND-**
 3 **ING AMENDMENT**

4 **SEC. 301. NATIONAL INDIAN GAMING COMMISSION FUND-**
 5 **ING AMENDMENT.**

6 (a) *POWERS OF THE COMMISSION.*—Section 7 of the
 7 *Indian Gaming Regulatory Act (25 U.S.C. 2706)* is amend-
 8 ed by adding at the end the following:

9 “(d) *APPLICATION OF GOVERNMENT PERFORMANCE*
 10 *AND RESULTS ACT.*—

11 “(1) *IN GENERAL.*—In carrying out any action
 12 under this Act, the Commission shall be subject to the
 13 *Government Performance and Results Act of 1993*
 14 (*Public Law 103–62; 107 Stat. 285*).

15 “(2) *PLANS.*—In addition to any plan required
 16 under the *Government Performance and Results Act*
 17 of 1993 (*Public Law 103–62; 107 Stat. 285*), the
 18 Commission shall submit a plan to provide technical
 19 assistance to tribal gaming operations in accordance
 20 with that Act.”.

21 (b) *COMMISSION FUNDING.*—Section 18(a)(2) of the
 22 *Indian Gaming Regulatory Act (25 U.S.C. 2717(a)(2))* is
 23 amended by striking subparagraph (B) and inserting the
 24 following:

1 “(B) *The total amount of all fees imposed*
 2 *during any fiscal year under the schedule estab-*
 3 *lished under paragraph (1) shall not exceed*
 4 *0.080 percent of the gross gaming revenues of all*
 5 *gaming operations subject to regulation under*
 6 *this Act.*”.

7 ***TITLE IV—INDIAN FINANCING***

8 ***SEC. 401. INDIAN FINANCING ACT AMENDMENTS.***

9 (a) *IN GENERAL.*—*Section 201 of the Indian Financ-*
 10 *ing Act of 1974 (25 U.S.C. 1481) is amended—*

11 (1) *by striking “SEC. 201. In order” and insert-*
 12 *ing the following:*

13 ***“SEC. 201. LOAN GUARANTIES AND INSURANCE.***

14 “(a) *IN GENERAL.*—*In order*”;

15 (2) *by striking “the Secretary is authorized (a)*
 16 *to guarantee” and inserting “the Secretary may—*

17 *“(1) guarantee”;*

18 (3) *by striking “members; and (b) in lieu of such*
 19 *guaranty, to insure” and inserting “members; or*

20 *“(2) insure”; and*

21 (4) *by adding at the end the following:*

22 “(b) *ELIGIBLE BORROWERS.*—*The Secretary may*
 23 *guarantee or insure loans under subsection (a) to both for-*
 24 *profit and nonprofit borrowers.*”.

1 (b) *SALE OR ASSIGNMENT OF LOANS AND UNDER-*
 2 *LYING SECURITY.*—Section 205 of the Indian Financing
 3 Act of 1974 (25 U.S.C. 1485) is amended—

4 (1) by striking “SEC. 205.” and all that follows
 5 through subsection (b) and inserting the following:

6 **“SEC. 205. SALE OR ASSIGNMENT OF LOANS AND UNDER-**
 7 **LYING SECURITY.**

8 “(a) *IN GENERAL.*—All or any portion of a loan guar-
 9 anteed or insured under this title, including the security
 10 given for the loan—

11 “(1) may be transferred by the lender by sale or
 12 assignment to any person; and

13 “(2) may be retransferred by the transferee.

14 “(b) *TRANSFERS OF LOANS.*—With respect to a trans-
 15 fer described in subsection (a)—

16 “(1) the transfer shall be consistent with such
 17 regulations as the Secretary shall promulgate under
 18 subsection (h); and

19 “(2) the transferee shall give notice of the trans-
 20 fer to the Secretary.”;

21 (2) by striking subsection (c);

22 (3) by redesignating subsections (d), (e), (f), (g),
 23 (h), and (i) as subsections (c), (d), (e), (f), (g), and
 24 (h), respectively;

(4) in subsection (c) (as redesignated by paragraph (3)), by striking paragraph (2) and inserting the following:

“(2) *VALIDITY.*—Except as provided in regulations in effect on the date on which a loan is made, the validity of a guarantee or insurance of a loan under this title shall be incontestable.”;

(5) in subsection (e) (as redesignated by paragraph (3))—

(A) by striking “The Secretary” and inserting the following:

“(1) *IN GENERAL.*—The Secretary”; and

(B) by adding at the end the following:

“(2) *COMPENSATION OF FISCAL TRANSFER AGENT.*—A fiscal transfer agent designated under subsection (f) may be compensated through any of the fees assessed under this section and any interest earned on any funds or fees collected by the fiscal transfer agent while the funds or fees are in the control of the fiscal transfer agent and before the time at which the fiscal transfer agent is contractually required to transfer such funds to the Secretary or to transferees or other holders.”; and

(6) in subsection (f) (as redesignated by paragraph (3))—

1 (A) by striking “subsection (i)” and insert-
 2 ing “subsection (h)”; and

3 (B) in paragraph (2)(B), by striking “, and
 4 issuance of acknowledgments,”.

5 (c) *LOANS INELIGIBLE FOR GUARANTY OR INSUR-*
 6 *ANCE.*—Section 206 of the Indian Financing Act of 1974
 7 (25 U.S.C. 1486) is amended by inserting “(not including
 8 an eligible Community Development Finance Institution)”
 9 after “Government”.

10 (d) *AGGREGATE LOANS OR SURETY BONDS LIMITA-*
 11 *TION.*—Section 217(b) of the Indian Financing Act of 1974
 12 (25 U.S.C. 1497(b)) is amended by striking “\$500,000,000”
 13 and inserting “\$1,500,000,000”.

14 **TITLE V—NATIVE AMERICAN**
 15 **PROBATE REFORM TECH-**
 16 **NICAL AMENDMENT**

17 **SEC. 501. CLARIFICATION OF PROVISIONS AND AMEND-**
 18 **MENTS RELATING TO INHERITANCE OF IN-**
 19 **DIAN LANDS.**

20 (a) *CLARIFICATIONS RELATING TO APPLICABLE*
 21 *LAWS.*—

22 (1) *IN GENERAL.*—Section 207(g)(2) of the In-
 23 dian Land Consolidation Act (25 U.S.C. 2206(g)(2))
 24 is amended—

1 (A) in the matter preceding subparagraph
 2 (A), by striking “described in paragraph (1)”
 3 and inserting “specified in paragraph (1)”; and
 4 (B) in subparagraph (B), by striking “iden-
 5 tified in Federal law” and inserting “identified
 6 in such law”.

7 (2) *LIMITATION ON EFFECT OF PARAGRAPH.—*
 8 *Section 207(g) of the Indian Land Consolidation Act*
 9 *(25 U.S.C. 2206(g)) is amended by striking para-*
 10 *graph (3) and inserting the following:*

11 “(3) *LIMITATION ON EFFECT OF PARAGRAPH.—*
 12 *Except to the extent that this Act would amend or*
 13 *otherwise affect the application of a Federal law spec-*
 14 *ified or described in paragraph (1) or (2), nothing in*
 15 *paragraph (2) limits the application of this Act to*
 16 *trust or restricted land, interests in such land, or any*
 17 *other trust or restricted interests or assets.”.*

18 (b) *TRANSFER AND EXCHANGE; LAND FOR WHICH*
 19 *PATENTS HAVE BEEN EXECUTED AND DELIVERED.—*

20 (1) *TRANSFER AND EXCHANGE OF LAND.—Sec-*
 21 *tion 4 of the Act of June 18, 1934 (25 U.S.C. 464),*
 22 *is amended to read as follows:*

1 **“SEC. 4. TRANSFER AND EXCHANGE OF RESTRICTED IN-**
 2 **DIAN LANDS AND SHARES OF INDIAN TRIBES**
 3 **AND CORPORATIONS.**

4 *“Except as provided in this Act, no sale, devise, gift,*
 5 *exchange, or other transfer of restricted Indian lands or of*
 6 *shares in the assets of any Indian tribe or corporation orga-*
 7 *nized under this Act shall be made or approved: Provided,*
 8 *That such lands or interests may, with the approval of the*
 9 *Secretary of the Interior, be sold, devised, or otherwise*
 10 *transferred to the Indian tribe in which the lands or shares*
 11 *are located or from which the shares were derived, or to*
 12 *a successor corporation; Provided further, That, subject to*
 13 *section 8(b) of the American Indian Probate Reform Act*
 14 *of 2004 (Public Law 108–374; 25 U.S.C. 2201 note), lands*
 15 *and shares described in the preceding proviso shall descend*
 16 *or be devised to any member of an Indian tribe or corpora-*
 17 *tion described in that proviso or to an heir or lineal de-*
 18 *scendant of such a member in accordance with the Indian*
 19 *Land Consolidation Act (25 U.S.C. 2201 et seq.), including*
 20 *a tribal probate code approved, or regulations promulgated*
 21 *under, that Act: Provided further, That the Secretary of the*
 22 *Interior may authorize any voluntary exchanges of lands*
 23 *of equal value and the voluntary exchange of shares of equal*
 24 *value whenever such exchange, in the judgment of the Sec-*
 25 *retary, is expedient and beneficial for or compatible with*

1 *the proper consolidation of Indian lands and for the benefit*
 2 *of cooperative organizations.”.*

3 (2) *LAND FOR WHICH PATENTS HAVE BEEN EXE-*
 4 *CUTED AND DELIVERED.*—Section 5 of the Act of Feb-
 5 ruary 8, 1887 (25 U.S.C. 348) is amended in the sec-
 6 ond proviso by striking “That” and inserting “That,
 7 subject to section 8(b) of the American Indian Probate
 8 Reform Act of 2004 (Public Law 108–374; 118 Stat.
 9 1810),”.

10 (3) *EFFECTIVE DATES.*—Section 8 of the Amer-
 11 ican Indian Probate Reform Act of 2004 (25 U.S.C.
 12 2201 note; 118 Stat. 1809) is amended by striking
 13 subsection (b) and inserting the following:

14 “(b) *EFFECTIVE DATES.*—

15 “(1) *IN GENERAL.*—Except as provided in para-
 16 graph (2), the amendments made by this Act apply
 17 on and after the date that is 1 year after the date on
 18 which the Secretary makes the certification required
 19 under subsection (a)(4).

20 “(2) *EXCEPTIONS.*—The following provisions of
 21 law apply as of the date of enactment of this Act:

22 “(A) Subsections (e) and (f) of section 207
 23 of the Indian Land Consolidation Act (25 U.S.C.
 24 2206) (as amended by this Act).

1 “(B) Subsection (g) of section 207 of the In-
 2 dian Land Consolidation Act (25 U.S.C. 2206)
 3 (as in effect on March 1, 2006).

4 “(C) The amendments made by section 4,
 5 section 5, paragraphs (1), (3), (4), (5), (6), (7),
 6 (8), (9), (10), and (11) of section 6(a), section
 7 6(b)(3), and section 7 of this Act.”.

8 (c) *EFFECTIVE DATE OF AMENDMENTS.*—The amend-
 9 ments made by subsection (b) shall take effect as if included
 10 in the enactment of the American Indian Probate Reform
 11 Act of 2004 (Public Law 108–374; 118 Stat. 1773).

Attest:

Secretary.

109TH CONGRESS
2^D SESSION

H. R. 3351

AMENDMENT